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Another Treaty of Arbitration.

The best piece of public news which Christmas just past furnished the world was the information that on that day a treaty of arbitration between France and Italy had been signed at Paris by Mr. Delcassé, the French Minister of Foreign Affairs, and Mr. Thornielli, the Italian Ambassador to France.

It had been known ever since the signing of the Franco-English treaty on the 14th of October that negotiations were under way for a treaty between Italy and France. The announcement, therefore, on Christmas day, that the treaty was actually concluded, did not come as a surprise.

The text of the treaty is reported to be identical with that of the Anglo-French convention, which was published in full in our November issue. It therefore provides that for a period of five years all disputes of a judicial nature arising between the two countries and those occurring in connection with the interpretation of treaties shall be submitted to the Hague Court. Questions affecting the honor and vital interests of either nation are reserved.

This treaty, as is readily seen, constitutes another distinct and most important advance of the whole arbitration movement. If it is the first step that counts, the second one counts more. The Hague Court is fortified by this convention in the confidence and respect of all the civilized nations which united in creating it. The Anglo-French treaty is likewise strengthened by the new engagement. All the world's workers for equity and peace are through it given fresh encouragement to push their propaganda in season and out of season.

We shall soon hear of other agreements of the same kind. The French government, which is now unquestionably at the head of the whole arbitration movement on its political side, has for some time been in negotiation with three or four other countries — Belgium, Holland, Denmark, Norway and Sweden — for arbitration treaties. The negotiations are now well advanced, and the publication of the conventions may be expected at an early day.

From this point of view, the new year opens certainly under the most auspicious omens.

The President's Message and Arbitration.

President Roosevelt, in his message to Congress on the 7th of December, took more advanced ground on the subject of arbitration than he had done before; indeed, from the practical point of view, more advanced ground than any previous President had ever taken. He reviews succinctly the Venezuela trouble, and sets forth the manner in which the adjustment of the claims had been removed from the domain of violence and turned over to mixed commissions and to the Hague Court. Of the manner in which the question of preferential treatment was referred to the Hague, he speaks thus:

"A demand was then made by the so-called blockading powers that the sums ascertained to be due to their citizens by such mixed commissions should be accorded payment in full before anything was paid upon the claims of any of the so-called peace powers. Venezuela, on the other hand, insisted that all her creditors should be paid upon a basis of exact equality.

"During the efforts to adjust this dispute it was suggested by the powers in interest that it should be referred to me for decision, but I was clearly of the opinion that a far wiser course would be to submit the question to the permanent court of arbitration at The Hague. It seemed to me to offer an admirable opportunity to advance the practice of the peaceful settlement of disputes between

nations and to secure for the Hague tribunal a memorable increase of its practical importance. The nations interested in the controversy were so numerous and in many instances so powerful as to make it evident that beneficent results would follow from their appearance at the same time before the bar of that august tribunal of peace."

It has been universally acknowledged that the course which the President took in this matter was most wise and honorable, and that it would certainly greatly advance recognition by the nations generally of what he so felicitously calls "that august tribunal of peace."

Of the beneficent results of the appearance of so many nations at one time before the new tribunal of the world he speaks in enthusiastic, but none too emphatic, terms:

"Our hopes in that regard have been realized. Russia and Austria are represented in the persons of the learned and distinguished jurists who compose the tribunal, while Great Britain, Germany, France, Spain, Italy, Belgium, the Netherlands, Sweden and Norway, Mexico, the United States and Venezuela are represented by their respective agents and counsel.

"Such an imposingconcourse of nations presenting their arguments to and invoking the decision of that high court of international justice and international peace can hardly fail to secure a like submission of many future controversies. The nations now appearing there will find it far easier to appear there a second time, while no nation can imagine its just pride will be lessened by following the example now presented. This triumph of the principle of international arbitration is a subject of warm congratulation and offers a happy augury for the peace of the world."

On the general principle of arbitration as a substitute for war the President goes nearly as far as any except the most advanced advocates of this pacific method. He says:

"There seems good ground for the belief that there has been a real growth among the civilized nations of a sentiment which will permit a gradual substitution of other methods than the method of war in the settlement of disputes.

"It is not pretended that as yet we are near a position in which it will be possible wholly to prevent war, or that a just regard for national interest and honor will in all cases permit of the settlement of international disputes by arbitration; but by a mixture of prudence and firmness with wisdom we think it is possible to do away with much of the provocation and excuse for war, and at least in many cases to substitute some other and more rational method for the settlement of disputes. The Hague Court offers so good an example of what can be done in the direction of such settlement that it should be encouraged in every way. Further steps should be taken."

The President still leaves a place for war, but it is a much smaller one than he and other responsible heads of governments have usually felt to be necessary. He concedes freely that there are "more rational methods for the settlement of disputes" than war. The Hague Court "should be encouraged in every way." What he means by "Further steps should be taken," we can only surmise, but we suspect he has reference to the negotiation of general treaties of obligatory arbitration, such as that recently signed between France and Great Britain.

On the whole, the President's treatment of this great subject is most satisfactory, and eminently worthy of him and of the country.

The Rapprochement Between France and Great Britain.

Altogether the most hopeful augury in current international affairs is the *rapprochement* now consummating itself so rapidly between France and Great Britain.

This *rapprochement* is the more striking because it is between two powerful peoples which are not only of different race and language, but have been historically the most open and thorough-going rivals and enemies. Their mutual history until in recent times was one of almost perpetual quarreling and bloodshed. For nearly seven hundred years, from the middle of the twelfth century up to 1815, they spent one year out of every three in fighting. It would be impossible to reckon up the destruction of life, the woes, the material desolations, the financial losses, and the infinite moral damages of the great Anglo-French campaigns of these centuries, in which they spent their strength and resources trying to make the conquest of each other's lands or to inflict upon each other defeat and humiliation. The wounds of these campaigns have been deep and hard to cure.

It has not been many years since the spirit of recrimination and revenge entailed by these former conflicts was rife on both sides of the channel. One heard abuse and misrepresentation everywhere both in private and in public circles. Rumors and threats of open hostilities filled the columns of the daily papers of both countries. War was barely averted in the late fifties in the time of Napoleon III. No longer ago than the Fashoda incident, the old fires suddenly flamed up, and the fleets and armies of both countries were hurriedly put into readiness for action.

The change that has at last come, in which cordial friendship and generous appreciation are taking the place of the former distrust and defamation, is little less than a political miracle. The transformation is of course not yet complete and it may be many years before it is so. But the manner in which the *rapprochement* is now expressing itself, not only through the arbitration treaty recently signed, but in many other ways, makes any serious return to the old conditions under present circumstances practically impossible.

It must not be supposed, however, that the coming together of the two nations, just now manifesting itself so remarkably, is a sudden and unprepared phenomenon. If it were so, no confidence could be placed in its permanence. It has its roots far back in the past century. Ever since the days of the overthrow of the first Napoleon, intercourse between the two peoples, along both social and commercial lines, has been steadily growing. It could not be avoided. The forces of attraction and coöperation were powerfully active on both sides of the channel in spite of the hatred and abuse which still remains. To the Cobden Commercial Treaty of 1860, and the groups of men who secured it, perhaps as much as to any single set of influences, has been due the breaking down of the old walls of exclusiveness between the two peoples. This treaty, one of the greatest accomplishments ever effected by pacific diplomacy, made at a time when suspicion and ill will had gone to ruinous lengths, has for forty years been exercising its powerful influence for Anglo-French friendship and good understanding. It has shown them in considerable measure that the commercial and industrial interests of the two peoples run very close together; and when this is once done, political misunderstandings are sure soon to break down.

Again, the absence of actual war for so long a period has given the constructive forces of civilization opportunity to work measurably untrammeled, in their natural way, in weaving the lives of the two peoples together. It has been more than eighty years since the two countries were at war. The period of actual fighting between them ended with Waterloo in 1815. The fires of hatred and revenge have therefore had time to die away, while the continuous daily intermingling of the two peoples in all sorts of ways has built them together into a strong practical fellowship, with which sentimental dislike has not been able seriously to interfere. What direful results a recent war between them would have wrought may be easily judged from the case of Germany and France. Between these powers the feelings of revenge and of contemptuous fear left by the struggle of 1870 have only just now begun to yield after a third of a century, and years must yet pass, doubtless, before an arbitration treaty between them, like that just entered into by the French and English governments, can even be hopefully talked of.

A remarkable feature of this *rapprochement* between France and England is its genuineness, its freedom from sentimental pretense. In this respect it differs widely from most of the *ententes cordiales* of which we hear so much from time to time. These "cordial understandings" are usually the product of some political necessity, when a government feels itself sadly in need of an ally, or desires support in the carrying out of some disreputable enterprise. These *ententes* usually last only till the emergency which created them has passed, and then the nations fall apart to seek new connections as occasion may require. In the case before us there seems to be no tinge of unworthy motive. The movement is in reality not a political one at all, and it is very doubtful if its value would be increased by a formal alliance, as suggested by Mr. de Pressensé's recent report to the Chamber on international affairs. It is a people's movement on both sides of the channel, and has gradually deepened and widened until the governments have felt themselves obliged to take cognizance of it. It is gratifying to know that the government leaders have done this willingly and sympathetically, but it is after all its basis in the sentiments and wishes of the people, as voiced by a number of distinguished leaders in both countries, which gives to the *rapprochement* its strength and its certainty to endure.

As the period of actual war between these two great and powerful nations came to an end with the fall of Napoleon I., so there is strong ground for believing that the arbitration treaty, which is the last and highest political expression of their growing friendship, will prove to be the beginning of the end of the unworthy distrust and recrimination which have so often disturbed their relations and threatened their peace, almost to the opening of this twentieth century. This at any rate ought to be so.

Germany and South America.

It is high time that the masses of the American people of all classes should do a good deal of serious and careful thinking about the relations of this country to Germany in respect to South America. The reported remark of General MacArthur recently at Honolulu, that Germany will go to war with the United States in the near future, and that the Pacific will be the early field of hostilities, with Hawaii as the first point of attack, whether he uttered the sentiment or not, represents a considerable and very dangerous current of opinion which is frequently breaking out here and there not only at military dinners but elsewhere.

Recently Professor Small, head of the Department of Sociology of Chicago University, just home from Europe, is reported to have declared, in a most oracular way, that Germany is going to fight us in the near future for the commercial supremacy which she feels that she is in great peril of missing, and that the United States, if mindful of her interest, will begin at once to prepare for the inevitable struggle. The professor even exhorts the peace societies, doubtless in jest, to throw all their strength in favor of a large increase of the United States navy, as the only efficient means of ensuring peace with the Kaiser.

Notwithstanding the fact that we have for several years been treated to these lugubrious prophecies,

not one of which has deigned to get itself fulfilled, yet on each new occasion talk of this kind is indulged in as if the speaker had received a fresh and oracular message from some hidden source, inaccessible to the rest of us, which made him sure that the prediction was on the very eve of fulfillment. And so fond are the people of the thrilling sensations produced by these cries of alarm that they straightway forget the many times that the predictions have proved to be wholly groundless and false.

In the case of the small group of army and navy officers and officials who contribute most of the coming-war prophets — not all of them, of course, are of this class — the cause of their declarations is not far to seek. They feel the necessity of "magnifying their office." Why have an army and a navy if we are not to have a war "some time," as Secretary Root has declared that we certainly shall have? These men are unwilling to have their "business" fall behind the general advance of things. They wish the annual reports to make a good showing. The reported remark of General MacArthur, which proves "not to have been made for publication, but spoken among friends in private," was suspiciously related to his wish to have the fortifications of the Hawaiian islands forthwith enlarged and strengthened. How get the large sums of money for these "improvements" if the old works were not in immediate danger of being viciously hammered by an enemy's guns? The guns had to be supplied, therefore, and the bigger the better. They were the missing link in the argument.

A reason for the "dark saying" of the Chicago University professor of sociology and his like is much more difficult to imagine. They certainly do not want a war with Germany in the interests of the sociological development of human society or of the advancement of sociological study in the great centres of learning.

We insist that this whole South America-Germany-United States problem ought to be thought out with great care by the people of the country before they allow themselves to be led any further astray by these militarizing prophets of hostile foreign designs against us.

If our country is not attacked from abroad until it is attacked by Germany from the side of the Pacific, where her fleet would be so many thousands of miles away from home and from any effective base of supplies, we shall remain undisturbed "to the ages of the ages." The Germans may be pushing and ambitious from both the military and the commercial point of view, but they are not so utterly hollow-headed as a scheme like this would prove them to be.

The likelihood of their making a descent upon any part of our Atlantic coast is from the military standpoint just as improbable. Such an attack would be foredoomed to utter failure even if the German fleet outnumbered that of this country three to one.

As to commercial supremacy, Germany, like the United States, has her ambitions, but she knows perfectly well that commercial superiority comes only along the line of the steady and efficient development of her products and of wisdom and persistence in her mercantile and trading classes. She understands that the nation that excels in these can never be driven from the field, and that the one who does not lead in these cannot, by the power of any number of warships or military successes, ever be first, in these days of such large international commercial freedom. Nothing in her would show such enormous folly as a deliberate attack of arms upon the United States in the interests of the expansion of her commerce. For if she succeeded in the military enterprise, — an impossible supposition, — that would not give the least assurance of success in the other, especially as she would have crippled one of her best customers.

Furthermore, all the paths of commercial success are already open to her, and she has been taking great strides in them in recent years, not because of, but in spite of, her great armaments. Why should she abandon the policy of peaceful economic and commercial development, through which she has made such remarkable advancement, and launch upon the perilous policy of war, where she would be staking all with nothing to gain over what is already within her reach? There is not one chance in ten thousand that she will ever attempt to do this — unless she is nagged to madness by foreign misrepresentation and falsehood.

As to her course in South America, though some friction has occurred between the Germans settled there and the native citizens, there has not hitherto been a thing in it to arouse our distrust or dislike. There is not a grain of evidence that she has ever contemplated seizing territory there and setting up a German colonial government. There have been no open or secret threats to do this, and time and again her government has disclaimed any intention of doing so. How shall we judge of her future course except by her past?

It is true that large numbers of Germans have been for years emigrating to Brazil and other South American countries. But this ought not to disturb us. They have a right to go. We ought to rejoice in it. They are contributing largely to the development and civilization of the country. We should be glad to see enough of them go to double or treble the population of Brazil or any other of the republics. It would not be a bad thing if they should become numerous enough to outvote the rest of the population, as may easily be the case some day, and get control of the national parliaments, the judiciaries, and even the presidencies. They have a per-

fect right to do this, so long as they do it in a peaceful and orderly way, just as our own or any other people have the right to do.

If we want war with Germany, if we desire to see the German colony in Southern Brazil revolt and set up the standard of the Fatherland, if we wish to promote the growth of Pan-Germanism and unify it into a grasping world-organization strong enough to strike us and our commerce a disastrous blow, let us by all means at once increase the number of our alarmist Germanophobes and keep them continually talking war. Germany is not a nation to be scared off the sea by the mere talk of big fleets or by the fleets themselves. Challenges will only make her the more bold and aggressive. But if we wish to have her friendship and her coöperation in advancing the higher interests of humanity, let us have the good sense to abstain from provoking her by the everlasting imputation of bad motives, and let us frankly assist her in making her commerce as extensive and prosperous as possible. In this way we shall render both our commerce and our peace much more secure than if we stupidly provoked her to dispute with us by arms both our commercial and our political power.

Is the Hague Court now Open to All the Nations of the World?

There is one fact connected with the appearance of Venezuela before the Hague Court, in the preferential treatment case, that is of the greatest significance, but has as yet received practically no attention. This fact is brought out strongly though somewhat indirectly in the instructive article by Hon. Wayne MacVeagh in the December *North American Review* on "The Value of the Venezuela Arbitration."

It will be remembered that Venezuela is not a party to the Hague Convention, and has no representatives in the Permanent Court of Arbitration. The Convention is what is ordinarily considered a closed convention, to which others may be admitted only at the will of the signatory powers. None of the South American States, though a treaty of adherence to the Hague Conventions was signed by their representatives at Mexico City, have as yet been admitted as parties to the Conventions.

The appearance of Venezuela, therefore, before the Court, in company with ten of the powers — five of them powers of the first rank — which are parties to the Convention under which it was established, is of extraordinary interest. She had no technical right to appear at the bar of the tribunal. The signatory powers might have refused to let her come. The fact that they allowed her to do so, raising, so far as we remember, no objections whatever, is certain to have far-reaching consequences.

Mr. MacVeagh considers the value of the Venezuela arbitration to consist not chiefly in the nature of the question to be decided, — though this he does not underrate, — but in the fact that it will "increase the dignity and enlarge the usefulness of the great Court of Peace," that it will extend more fully the reign of law and justice in the relations of the European nations to the South American republics, prevent aggression and violence against them, and thus contribute very materially to the pacific development of Central and South America.

If this is a true interpretation, or marks out the line of a true interpretation, of the value of this arbitration, as we are inclined to think it does, then the conclusion is inevitable that the Hague Court, through the action of the ten signatory powers in appearing before its bar with an outside power on terms of equality, is now finally open to all the nations of Central and South America, and indeed of all the world. Any one of them may ask any signatory government, or any other with which it may have a controversy, to go to The Hague for settlement, with reasonable assurance that no technical advantage will be taken of the fact that it is not yet a party to the convention in order to exclude it from a hearing before this great tribunal.

It is true that the Venezuela arbitration is only a single case; but it is a case of such character, because of the number of nations taking part in it, as will go a long way to establish a precedent which it will not be easy hereafter to set aside. It will be difficult ever again to close the tribunal to any appellant whatever.

The opening of the Court in this indirect way to the whole family of nations means even more than if it had occurred in a formal and technical way, as will doubtless be the case in any event before many years. This extension of the sphere of the Permanent International Court in this way without any formal action is in harmony with the manner in which law and the institutions of law have always spontaneously extended themselves so as to cover new and contiguous ground. It is, furthermore, an impressive evidence of the increasing power of the sense of justice and equity in the international sphere where heretofore brutal violence and lawlessness have held such large sway. It is at bottom this enlarged sense of justice and right which is bringing the new World Court into such rapid use, and will in a comparatively brief period extend its authority and beneficent influence not only theoretically, but also actually, over the whole sphere of international activities.

As we go to press war and peace are hanging in the balance in the Far East, and it is uncertain which end of the scales will go down. We are not yet without hope that a peaceful solution will be reached, though one can almost hear already the death-angel beating his ponderous wings over the ill-fated scene.

Editorial Notes.

Mr. Bowen Home from The Hague.

On returning from The Hague on the 5th of December, Mr. Herbert W. Bowen, who represented the United States and Venezuela in the perferential treatment case before the Arbitration Court, spoke as follows in reference to the matter:

"The question which was submitted to the Hague tribunal was whether Great Britain, Germany and Italy are entitled, by reason of the war which they instituted against Venezuela, to have their claims paid before the other creditors. The decision of that question will be important, inasmuch as it will establish a precedent that will indicate what methods creditor nations should pursue in future in collecting claims. During the session of the tribunal, which began September 1, the Court heard every possible and impossible argument in favor of warlike methods and every humane and enlightened reason why creditors adopting peaceful methods should not be held to have forfeited their rights to equality of treatment with bellicose creditors. If we were a little further advanced in civilization the distinguished arbitrators would doubtless have been asked to decide that if preferential treatment should be given to any creditor it should be to those who refrained from resorting to war and used their best endeavors to collect their claims by diplomacy. But arbitration is comparatively a new institution, and until the Venezuelan case arose the nations did not regard the Hague tribunal with great favor. It was even thought that some of the strongest nations were opposed to recognizing the tribunal at all. However that may be, the most ardent supporters of arbitration are now quite unanimous in asserting that this Venezuelan case, in which no fewer than twelve nations are interested, has given the Hague tribunal the recognition and respect it needed as the supreme international court of justice and peace. The credit for securing for it this general recognition and respect is due to President Roosevelt. He advised at the beginning of the contention that it should be taken to The Hague."

The judges appointed from the Hague Court to decide the case will announce their decision in February.

The Rush-Bagot Treaty.

There is said to be a strong feeling in Washington that the Rush-Bagot treaty of 1817, which prevents the United States and Great Britain from keeping war vessels on the great lakes, should be so modified as to permit warships suitable for training purposes to cruise on these waters. A naval board has recommended that the naval training station be located at Lake Bluff, north of Chicago, on the shore of Lake Michigan. Ships' cutters are the only boats that can be used in the training under the terms of the treaty. Modification of the treaty is desired in order that recruiting and training for the navy may be much more extensively carried on in the Middle West than heretofore. The scheme is evidently a part of the general plan for the great increase in the navy. It is promoted chiefly if not entirely by navy officers, naval boards and the Navy Committee of the House. It would be a very grave mistake, it seems to us, from every point of view, to have this old treaty weakened in any respect. No treaty we have ever made has been more productive of good. It has saved our country many millions of dollars, and has undoubtedly tended to prevent friction and to promote harmonious relations between this country and Canada as well as Great Britain. But for its existence the line of the lakes would have been studded with war vessels, and no one can imagine the amount of mischief that might have come about at the critical periods of our relations with the mother country. If the treaty should be modified in the interests of naval training, it would not be long before the naval promoters and the ship builders would put up a demand for its entire abrogation. Let the treaty stand, and let at least these inland seas be kept free from the curse which has overspread the world, and be kept forever consecrated to peace, as they have been for nearly a hundred years.

Visit of M. P.'s to Paris.

The visit of members of the British Parliament to Paris the last week in November to return that of the delegation of French Deputies to London in July was one of the notable occurrences in the recent Franco-English *rapprochement*. The great banquet at the Grand Hotel was pronounced by one of the French guests present "the most brilliant thing of the kind we have ever seen." There were eight hundred persons present, and the after-dinner speaking lasted till midnight. Mr. d'Estournelles de Constant presided. Loud cheers greeted his assurance that the "great demonstration" of the evening was "not the work of one party, but of all parties in France." The president of the Paris Municipal Council, a Nationalist, considered to be of the militant party, was present, signifying thus his sympathy with the great cause. There was a great storm of applause when Mr. d'Estournelles turned to the venerable Frederic Passy, and recalled the history of Mr. Passy's labors as a pioneer in the movement which they were celebrating that night. Sir William Houldsworth, speaking in English for the English, declared that the visits of these two deputations to London and to Paris marked a new era in the world's history, and that such meetings would become perpetual. Commercial relations were of the first importance, but the greatest of the world's interests was peace. The French Prime Minister, in a felicitous speech, signifying his adhesion to the principal of arbitration, declared that the mission of the French and English parliamentary groups was a noble one and that it richly deserved the approbation and the support of

generous minds. The Franco-English treaty just signed reflected the greatest honor on the diplomacy of the two states. But the real source of the success already achieved was the feeling and the conviction of the two peoples. The treaty, though limited, was to be regarded as the fruitful seed of treaties yet to come. The two nations, which had been rivals, — enemies, — were henceforth to confront each other in the world's markets with the armies of peace, the harmless weapons of industry and commerce. Europe, impressed by the happy change, would yield to the new pacific influence. The enthusiasm of the audience became very great when Lord Brassey, speaking in French, declared that they, the English visitors, "admired France heart and soul, that great country of ideas." Lord Avebury, Sir Howard Vincent, Mr. Deschanel, Mr. Cochin and Mr. Jaurès were also among the speakers. The latter in his best style declared that England and France had not made this new compact for themselves alone, but that they might bring about a united Europe; "their mission was peace humanity, civilization."

The Nobel Peace Prize.

On the 10th of December, the day on which the awarding of the Nobel Peace Prize is annually made, the Committee of the Norwegian Parliament having the matter in charge notified Mr. William Randal Cremer, a member of the British House of Commons, that the prize had this year been given to him. The amount was something over $39,000. Mr. Cremer has for thirty years been an indefatigable worker for international arbitration. He founded the Workingmen's Arbitration League, afterwards renamed the International Arbitration League, of which he has always been the general secretary. The League has published *The Arbitrator*, of which Mr. Cremer has been the editor. It will be remembered that it was Mr. Cremer who got up the memorial signed by 234 members of the British House of Commons in 1887, and came to this country with the deputation of thirteen distinguished English public men to present the memorial to President Cleveland. It was on his initiative that the Interparliamentary Union was organized in 1889 at the time of the Paris Exposition, an organization which has been most influential in promoting international arbitration and the permanent tribunal. Mr. Cremer was the author of the resolution which passed the House of Commons unanimously in 1893, favoring an arbitration agreement with the United States, and his work did much in preparing the way for the Olney-Pauncefote treaty of 1897 which failed of ratification in our Senate. He has visited the United States three times in the interest of the cause. Though not taking a leading part in the work for the Anglo-French treaty recently signed, he did effective service in promoting it by arranging for the great reception by one hundred and fifty members of the House of Commons of the d'Estournelles deputation from the French Arbitration Group of the Chamber of Deputies. Mr. Cremer well deserves the recognition given him and his services by the Nobel Committee. He has our warmest congratulations on the honor which has come to him, and through him to all the friends of arbitration and international peace.

Chambers of Commerce.

A movement is on foot to get an expression from the Chambers of Commerce of all our principal cities in favor of the immediate negotiation of a general treaty of arbitration with Great Britain. A meeting of the Boston Chamber of Commerce was held for this purpose on the 16th of December. Dr. Thomas Barclay, who was the leader of the movement among the commercial bodies of Great Britain and France which led to the signing of the Anglo-French treaty, was present in Boston as the guest of Edward Atkinson and addressed the meeting. He gave a most interesting account of the movement among the French and English Chambers of Commerce which led up to the signing of the treaty on the 14th of October last, and said that in England everything was ready for the Anglo-American treaty. On motion of Edward Atkinson a committee of five was appointed by Mr. Wm. H. Lincoln, president of the Boston Chamber of Commerce, with power to fill vacancies and add to its numbers, to organize and develop throughout Massachusetts work in support of a treaty between this country and Great Britain. It is understood that this committee will be enlarged into one representing all sections of Massachusetts, to work in coöperation with committees of other Chambers of Commerce, and with the National Arbitration Committee, founded in 1896, and recently revived at Washington by Hon. John W. Foster, for the purpose of promoting a treaty with Great Britain.

Difficulty in the Way.

Commenting on the address of Dr. Thomas Barclay before the Boston Chamber of Commerce and the interest of Commercial bodies in an arbitration treaty with Great Britain, the *Boston Herald* says:

"We are firmly convinced that the great business organizations of the United States will warmly approve of this project, and will do whatever lies in their power to promote its execution; but, unfortunately, the policy of the United States, both in domestic and international matters, is often at variance with the strongly expressed wishes of its representative business men, and, in spite of our great commercial intercourse with Great Britain, — we almost might say our commercial dependency upon the people of that island, — we doubt if there is any

nation with which a general treaty of arbitration could be made with more difficulty. There are hundreds of thousands, perhaps millions, of people in the United States who, as the result of traditional prejudices and their own experiences, which perhaps date back to the days of their grandfathers or great-grandfathers, and have absolutely no applicability to present conditions, cannot bring themselves to regard English questions in any way except in the light of hostility. For this reason it has seemed to us that, if the people of the United States wish to form arbitration treaties,— and we certainly trust that they do, — it would be better to begin the good work by arranging a treaty of this kind between France and the United States, following this up with an arbitration treaty between Italy and the United States. After these had been secured a treaty with England could be entered upon with the assurance of easy success, since it would be evident, even to those who are anti-English in their ideas, that we could not afford in this respect to treat that nation in a way different from that we had adopted in our treatment of other nations."

Monument to Elihu Burritt.

On Tuesday the 15th of December a meeting was held in New Britain, Connecticut, to start a movement to erect in that city a monument to Elihu Burritt. It is strange that the place of this distinguished philanthropist's birth has not long ago honored his memory in this public way. Of Mr. Burritt's many eminent services to the world — and they were many — that in behalf of arbitration and international peace was the greatest, and no American has ever done by word and pen more effective and more abundant work to that end than he. He was a member of that remarkable group of workers in this cause which followed Worcester, Ladd and Channing, the pioneers To this group belonged Whittier, Garrison, Sumner, William Jay, Dr. Beckwith, Amasa Walker, A. P. Peabody, Gerritt Smith, Samuel J. May, Adin Ballou, Dr. Miles, Howard Malcolm, and others. Of these men only one or two were as advanced and active as Mr. Burritt. From the moral and idealistic point of view his treatment of war and peace left little to be said. But he was also eminently practical, and urged incessantly the practical means of avoiding war. He pleaded for arbitration, for conciliation, for meditation, for an international congress, for a permanent tribunal. His speeches and papers on the subject would make a large volume. In addition to his work in this country, he traveled and labored extensively on the other side of the water. He was one of the handful of men who originated the international peace congress movement in 1841, and made the congresses held in Europe from 1843 to 1853 so remarkably successful. It is only just now that the movement for international peace has begun to tread upon the heels of the ideals of Mr. Burritt, and the proposal for a monument to him is an evidence of the great advance which has been made in the pathway marked out by him and his friends. Whatever else the New Britain monument may or may not have placed upon it, let it be marked by one at least of his great utterances for the brotherhood and peace of mankind. A dozen of them would be all the better.

Exemption of Private Property.

The recommendation in the President's message in regard to the exemption of private property at sea from capture in time of war ought to have the immediate attention of Congress. It is a curious contradiction that private property on land should long ago have been exempted from capture, while the same law has not been extended to the ocean. So long as nations go to war, — a thing which ought long ago to have been out of date, — it is of course most desirable that the destructions and losses which the hostilities produce should be reduced to the smallest possible limits. The President pleads for the exemption of private property at sea from capture, not only on the grounds of humanity and morals, but also because such "shipping represents, internationally speaking, a much more generalized species of private property than is the case with ordinary property on land — that is, property found at sea is much less apt than is the case with property found on land really to belong to any one nation. Under the modern system of corporate ownership, the flag of a vessel often differs from the flag which would mark the nationality of the real ownership and money control of the vessel; and the cargo may belong to individuals of yet a different nationality. We are glad to see that the President puts under his ban the "commerce destroyer" as not a "vessel of honor." Every limitation of war is a step in the direction of its ultimate abolition. The public and official opinion which now demands the one will some day as insistently demand the other.

Lord Wolseley's Memoirs.

Nothing recent better illustrates the utterly dehumanizing character of war, and especially of professional soldering, than the character of Field Marshal Lord Wolseley as exhibited in his Memoirs just published by Scribners. Here we find the same bald doctrine of war as that incidentally advanced in the "Soldier's Pocket Book," first published over thirty years ago. But it is not in the least "mellowed by age," as one might expect, but rather intensified in rawness and fierceness. A few quotations will make our meaning clear. "There can be nothing else like it [the charge], or that can approach its inspiration, its intense pride. You are, for the time being, — and it is always short, — lifted up from and out of all petty thoughts of self, and for a moment your whole existence,

soul and body, seems to revel in a true sense of glory. The blood seems to boil, the brain to be on fire. Oh, that I could again hope to experience such sensations." "That war is a horrible thing is a very nice heading for the page of a schoolgirl's copy-book but I confess candidly that I always enjoyed it." To this old fighter war is the supreme sport, better than tiger or boar hunting. The soldier "must believe that his duties are the noblest that fall to man's lot. He must be taught to despise all those of civil life." Without the love of the "glory" that comes by war a nation "will soon pass into the boneless, sinewless condition of the jelly-fish, drifting with every tide and current, and will then cease to be a sharer in the direction of the world's great affairs." The battlefield to him is the pearly gate of heaven! "I did not mind much how many I might lose in action, for *soldiers are made to die* there, and oh, how fortunate they are who do so!" "The heart is easily saddened by thoughts of widows and orphans in order to satisfy war's greedy maw," he confesses; but then he delights in nothing so much as stuffing this greedy maw with husbands and fathers, however many widows and orphans are made thereby. Those who care to wade through the "Memoirs" will find the man of war everywhere portrayed with no drapery and trappings on him, living for the joy of frenzied moments, for the sport of hunting and killing men, for the "glory" of fighting and conquest. This book will hereafter probably become famous as the last of its kind to appear in the history of the race.

Francis E. Clark.

Dr. Francis E. Clark, president of the United Society of Christian Endeavor, left Boston on Christmas day for another trip round the world, in the interest of the work of the society. His itinerary will include Honolulu, Samoa, Auckland, Tasmania, Melbourne, Sidney, Adelaide, and a trip to Africa, covering a period of more than six months. Just before sailing, Dr. Clark wrote as follows to the Secretary of the American Peace Society:

"*My dear Dr. Trueblood:* I am just about starting for the other side of the world again, but before I start I want to tell you that I am glad of your safe return to America, and glad to hear of the arrangement for your great Peace Convention next fall. The Endeavor movement has been particularly interested in world-wide peace, partly because it stands for world-wide brotherhood, and you will have many sympathetic friends among the young people here in Boston. May it prove to be a great success."

Dr. Clark was one of the fifty eminent persons in the nation who joined in the invitation to the Peace Congress to meet in this country the coming autumn, and he will be one of the large General Committee to promote the interests of the Congress.

Frederic R. Coudert.

The death of Frederic R. Coudert of New York, on the 20th of December, has taken away one of the most eminent members of the American bar. Mr. Coudert's success as a jury lawyer was phenomenal. As an orator he had few equals. Few men had greater success on the lecture platform, where his efforts were always for charitable purposes. He was actively interested in politics, though he always refused to accept any public position, either at home or abroad. He was deeply interested in the extension of law and equity in the realm of international affairs. For more than twenty years he was a member of the International Law Association and attended some of its conferences abroad. He served also on the International Code Committee of New York, of which David Dudley Field was the president and leader. He was one of the Counsel of the United States before the Behring Sea Arbitration Board at Paris, and made a masterly presentation of the contention of this country. He also served on the Commission which was appointed by President Cleveland to examine the matter of the Venezuelan boundary dispute. His services in international affairs were so highly appreciated that he was decorated with the cross of the Legion of Honor by both the French and the Italian governments.

The Princess Wiszniewska.

We regret to learn of the death of the Princess Wiszniewska, who passed away at her home in Paris on the 23d of November, after having suffered for a year and more with heart disease. Though of an ancient and eminent family of Burgundy, she had come into prominence herself only in recent years through her efforts to unite the women of the world in a league for the abolition of war. She is said first to have become interested in the cause of peace through the great disasters and sufferings which befell eastern France during the war of 1870. She later, with her husband, Prince Wiszniewska, consecrated herself entirely to the promotion of peace among the nations. She founded, some seven or eight years ago, the Universal Alliance of Women for Disarmament, the name of which was afterwards changed to the Universal Alliance of Women for Peace by Education. Through this organization, with which several millions of women of different countries, by their personal signatures or the adherence of the organizations to which they belonged, had become associated, she carried on an incessant and vigorous propaganda in behalf of the principles of peace. She speedily became known throughout the civilized world, and carried on a very large correspondence. She was an effective speaker, and delivered a number of strong addresses on different occasions. At the opening of the Hague Conference

she sent a memorial to Mr. Bourgeois, the chairman of the French deputation, supported by more than half a million women.

Brevities.

. . . The Grand Duke of Luxemburg has finally ratified the Hague Convention for the Pacific Settlement of International Disputes, and has appointed as Luxemburg's representative in the Permanent Court of Arbitration Mr. Henri Vannerus, president of the State Council and of the Superior Court of Luxemburg.

. . . President Roosevelt, in the following passage in his message, expresses his desire that Congress may extend the invitation to the Interparliamentary Union to meet at St. Louis this year:

"Last year the Interparliamentary Union for International Arbitration met at Vienna, six hundred members of the different legislatures of civilized countries attending. It was provided that the next meeting should be in 1904 at St. Louis subject to our Congress extending an invitation. Like the Hague Tribunal, this Interparliamentary Union is one of the forces tending towards peace among the nations of the earth, and it is entitled to our support. I trust the invitation can be extended."

. . . The *North American Review* for December contains a most able and enlightening article by P. T. McGrath on Hudson Bay, under the title, "A New Anglo-American Dispute: Is Hudson Bay a Closed Sea?" All persons wishing to keep themselves informed about United States-Canadian relations ought to read this article.

. . . President Roosevelt says that the settlement of the Alaska boundary dispute by the mixed commission of six "furnishes a signal proof of the fairness and good will with which two friendly nations can approach and determine issues involving national sovereignty, and by their nature incapable of submission to a third power for adjudication." But, Mr. President, just such boundary disputes involving national sovereignty have again and again been submitted to third powers. Why are they incapable of submission to a great impartial tribunal like the Hague Court?

. . . To those best informed about the growing tendencies towards liberty and constitutional government in Russia, the proposal to submit the new scheme for peasant reforms, ordered in the Czar's recent manifesto, to the consideration of an elective body to be composed of provincial committees chosen in each province by the Zemstvos, will cause no surprise. This is an entirely new departure for the Russian government. There is a parliamentary smack about it which is said to delight the liberal-minded Russians. It will be difficult long to prevent a violent revolution in Russia unless a peaceful one is accomplished. The soldiers in a number of instances during the recent outbreaks have refused to fire on the peasants.

. . . The government of San Domingo has been induced by United States Minister Powell to agree to appoint arbitrators in the case of the San Domingo Improvement Company.

. . . Congressman Gibson of Tennessee introduced into the House of Representatives on the 11th of December a resolution directing the President to open negotiations with the maritime nations for the purpose of formulating some international agreement whereby the naval armaments of the powers shall be materially reduced.

. . . In compliance with an urgent request from the Cuban authorities, the United States government, on the 11th of December, ordered the removal of the four companies of artillery, which have been kept in the island since its independence was established. For over a year the Cuban government had been objecting strongly to their retention at Havana and Santiago. Because of strong objections also from President Palma, the large display of naval forces, which the United States War Department had intended to make in connection with the opening of the naval station at Guantanamo on the same date, was omitted. It ought, in fairness, never to have been planned.

. . . Edwin D. Mead was one of the speakers at the great memorial meeting held recently in the Auditorium, Chicago, in honor of the late Henry D. Lloyd. While he was in Chicago he gave an address before the Chicago Peace Society and its friends, in which he gave an account of the recent Peace Congress at Rouen, and of the remarkable growth of the peace spirit in Europe.

. . . Hon. William I. Buchanan of Buffalo, ex-Minister to the Argentine Republic and General Counselor of the St. Louis Exposition, has been sent by President Roosevelt on a special mission to Panama. He will be gone till the 1st of February. Just what the nature of the mission is has not been made public. The press was "previous" in its statement that Mr. Buchanan was to be our first regular Minister to "the Republic of Panama." When he is given a Ministry abroad, it ought to be one of the chief Ambassadorships, for he is one of our ablest and most worthy diplomats.

. . . Dr. Thomas Barclay, ex-president of the British Chamber of Commerce in Paris, was the guest of the Massachusetts State Board of Trade at the Vendome Hotel, Boston, on the 15th of December, and spoke briefly on the subject of international arbitration. The Massachusetts Board of Trade will send a memorial to the United States Senate in favor of an Anglo-American arbitration treaty.

. . . The warships of Russia and Japan in the Far East have been painted black, to be ready in the event of war. That is the proper color. If the Russians and Japanese were disposed to do the appropriate thing still farther, they would follow the advice of William E. Channing and dress all their soldiers in black, paint their faces black, put black trappings on their horses, hoist black flags, and have the entire war equipments thus made emblematic of the sorrowful business of human slaughter. War is a very black art.

. . . Herbert Spencer, the famous writer on sociological and philosophical subjects, died at his home in Brighton, England, on December 8th. Spencer held strongly, on purely evolutionary grounds, that war is now entirely out of date, and ought to disappear from human society.

. . . Benjamin F. Trueblood, Secretary of the American Peace Society, addressed the Patria Club of New York City on the evening of December 11th on the subject of international arbitration. A committee of five members of the Club was appointed to promote the negotiation and ratification of a treaty of arbitration with Great Britain.

. . . It is reported from Washington that considerable opposition to great appropriations for naval construction has developed among influential members of both the Senate and the House.

. . . The two big battleships, "Libertad" and "Constitucion," put on the market last year by Chili, because of her convention with the Argentine Republic, have at last been sold. There have been rumors that they were going to Japan or to Russia, but it seems that at last England has bought them, and paid nine millions of dollars for them. Poor England! What an endless burden of the seas she is heaping upon herself! She will learn better some day, and then have an immense pile of old junk on her hands.

. . . According to the annual report of the Secretary of War just submitted to the President, the army expenditures for the year which ends next June will have been $121,917,345.21. The estimates for the year ending June 30, 1905, are $125,929,393.46.

. . . Mr. Urbain Gohier, the author of "L'Armée contre la Nation," whose severe criticisms of the conduct of military officials has from time to time aroused much excitement in France, has, after trial, been again acquitted. The cause of his last arrest was his written assertion, "The military calling is a school of cowardice," in proof of which he had given specific illustrations. His acquittal seems to be proof that the French are growing tired of the tyranny as well as of the brutalities of the army.

. . . The Executive Committee of the National Arbitration Conference held at Washington in April, 1896, through which arrangements have been made for holding another great national conference at the capital the 12th of this month, to promote an Anglo-American arbitration treaty, consists of the following persons: Hon. John W. Foster, of Washington; George L. Rives, of New York; Prof. John B. Moore, of Columbia University; John Crosby Brown, of New York; Carl Schurz, L. T. Chamberlain, of New York; James B. Angell, President of the University of Michigan, and Thomas Nelson Page.

. . . Sunday, December 20, was the centennial of the formal transfer of the Louisiana territory from France to the United States. The anniversary was celebrated in Louisiana with much pomp and enthusiasm.

. . . The thirty-seventh anniversary of the Pennsylvania Peace Society was held at Philadelphia on the 8th of December. A series of seven resolutions was voted, among which was one protesting against great naval increase in this country, and another favoring a regular international congress to meet at stated periods, to consider all questions of general international interest.

. . . Dr. E. B. Andrews, Chancellor of the University of Nebraska, gave the address at the Delta Upsilon Convention in New York recently. Among other things he said: "I do not regard imperialism in itself as savage; but the imperialism which views inferior races as our legitimate prey certainly is so."

. . . Lieutenant Bilse has been sentenced to six months imprisonment and dismissal from the German army for writing a novel, "In a little Garrison Town," in which the vices of German offices were exposed. The book has been suppressed by order of the government, and many officers are said to be ready to challenge Bilse to duels as soon as he is out of prison.

. . . The Nobel Peace Prize Committee of the Norwegian parliament announces that the next award of the prize will be on the 10th of December this year (1904). All proposals of candidates must be made to the Committee by the first of February. Persons who may propose candidates are: (*a*) Members of the Nobel Committee of the Norwegian parliament; (*b*) Members of Parliament and Members of Government of the different states; (*c*) Members of the Interparliamentary Council; (*d*) Members of the Commission of the International Peace Bureau; (*e*) Members of the Institute of International Law; (*f*) University professors of Political Science and of Law, of History, and of Philosophy; and (*g*) persons who have received the Nobel Peace Prize.

. . . In his annual report, made public on the 4th of December, the Secretary of the Navy strongly advises the creation of a general naval staff like that recently created for the army; recommends the establishment of a naval base in the Philippines; that the maritime powers adopt some system of doing away with derelicts in the ocean; that commandants at remote naval stations be authorized to convene general courts-martial; that some simple system of civil government be provided for Tutuila and Guam; and *the continued upbuilding of the navy by the annual authorization of new vessels.* The effective force of the navy was increased during the fiscal year by 25 vessels; that is, 1 battleship, 4 harbor defense monitors, 1 torpedo boat, 12 torpedo-boat destroyers, and 7 submarine boats.

Violation of International Treaties and International Law: The Case of Panama.

Treaties are the highest form of positive obligation which nations can take upon themselves toward other nations. Only when these treaties run clearly contrary to the common law of equity and justice, which is universally recognized among civilized peoples as putting the nations under the highest moral obligations, do they cease to be of binding force. When they run with this common law, as they are usually supposed to do, they are of the most sacred character. No greater dishonor, therefore, can come upon a government than that incurred by the deliberate violation of its treaty obligations.

One of the most serious aspects of the recent action of our government in the matter of the Panama revolt was

what has been considered by many able and patriotic citizens and by a number of the best home and foreign journals, the clear violation thereby of the nation's treaty obligations toward the republic of Colombia.

The thirty-fifth article of the treaty of 1846 with New Granada has always been considered binding between our country and Colombia (New Granada's successor) up to the moment when the recent Panama revolution took place. Then, after a period of fifty-seven years, those parts of it relating to Panama were suddenly considered by our government as no longer of any binding force, though no correspondence whatever on the subject had taken place between the governments of Washington and Bogota. The Colombian government was given no opportunity to ask or to make explanations. It was as completely ignored as if it had never had any existence.

The clauses of the treaty brought into question are found in Article XXXV., and are as follows:

"And in order to secure to themselves the tranquil and constant enjoyment of these advantages, and as a special compensation for said advantages and for the favors they have acquired by the fourth, fifth and sixth articles of this treaty, the United States guarantee, positively and efficaciously, to New Granada, by the present stipulation, the perfect neutrality of the beforementioned isthmus, with the view that the free transit from the one to the other sea may not be interrupted or embarrassed in any future time while this treaty exists; and, in consequence, *the United States also guarantee, in the same manner, the rights of sovereignty and property which New Granada has and possesses over the said territory.*

"If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizens shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby; each party engaging in no way to protect the offender or sanction such violation.

"If, unfortunately, any of the articles contained in this treaty should be violated or infringed in any way whatever, it is expressly stipulated that neither of the two contracting parties shall ordain or authorize any acts of reprisal, nor shall declare war against the other on complaints of injuries or damages, until the said party considering itself offended shall have laid before the other a statement of such injuries or damages, verified by competent proofs, demanding justice and satisfaction, and the same shall have been denied, in violation of the laws and of international right.

"Any special or remarkable advantages that one or the other power may enjoy from the foregoing stipulation are and ought to be always understood in virtue and as in compensation of the obligations they have just contracted, and which have been specified in the first number of this article."

On the face of it, the action of the United States seems to be a clear violation of both the spirit and the letter of these clauses. Our government, in defense of its course, puts forward the contention that the guarantee of *the rights of sovereignty and property* here made was meant to apply only to the defense of Colombian integrity against the aggression of foreign powers. This construction of the guarantee is certainly not that given by the government in former years. President Cleveland only eighteen years ago, in December, 1885, said in reference to our obligations to Colombia [Italics here and elsewhere ours]:

"Emergencies growing out of *civil war* in the United States of Colombia demanded of the government, at the beginning of this administration, the employment of armed forces to fulfill its guaranties under the thirty-fifth article of the treaty of 1846, in order to keep the transit open across the Isthmus of Panama. Desirous of exercising only the powers expressly reserved to us by the treaty, and *mindful of the rights of Colombia*, the forces sent to the Isthmus were instructed to confine their action to 'positively and efficaciously' preserving the transit and its accessories from being 'interrupted or embarrassed.' The execution of this delicate and responsible task necessarily involved police control where the local authority was temporarily powerless, *but always in aid of the sovereignty of Colombia.* The prompt and successful fulfillment of its duty by this government was highly appreciated by the government of Colombia, and has been followed by expressions of satisfaction. High praise is due to the officers and men engaged in this service. The restoration of peace on the Isthmus by *the reëstablishment of the constituted government there* being thus accomplished, the forces of the United States were withdrawn."

From this utterance it is evident that President Cleveland understood that the guarantee of *the rights of sovereignty and property* covered the case of civil dissensions and revolutions as well as that of aggression from foreign powers. This was clearly the opinion of all those of his predecessors in the presidency who had occasion to express themselves on the subject. In 1847 President Polk, in the message which he sent to the Senate in transmitting the treaty to that body, said:

"New Granada proposes to guarantee to the government and the citizens of the United States the right of passage across the Isthmus of Panama, over the natural roads and over any canal or railroad which may be constructed to unite the two seas, on condition that the United States shall make a similar guarantee to New Granada of the neutrality of this portion of her territory and *her sovereignty over the same.*

"The *guarantee of the sovereignty of New Granada* over the Isthmus is a very natural consequence of the guarantee of its neutrality, and there does not seem to be any other practicable mode of securing the neutrality of this territory. *New Granada would not consent to yield up this province in order that it might become a neutral state,* and, if she should, it is not sufficiently populous or wealthy to establish and maintain an independent sovereignty."

Zachary Taylor, in his message of December 4, 1849, declared that the treaty sent to the Senate by his predecessor "guarantees the perfect neutrality of the Isthmus and the rights of sovereignty and property of New Granada over that territory." In a message of March 19, 1850, he said: "The treaty negotiated with New Granada on the 12th day of December, 1846, did not guarantee the sovereignty of New Granada on the whole of her territory, but only over the single province of the Isthmus of Panama." He further declares that the treaty of 1846 contained the principles which guided him in his negotiations with Nicaragua for a canal through her territory.

In the same sense are the utterances of President Buchanan in 1857, and again in 1860:

"Under our treaty with New Granada, of December 12, 1846, we are bound to guarantee the neutrality of the Isthmus of Panama, through which the Panama railroad passes, '*as well as the right of sovereignty and property which New Granada has and possesses over the said*

territory.' This obligation is founded upon equivalents granted by this treaty to the government and people of the United States."

"This treaty, after granting us the right of transit across the Isthmus of Panama in the most ample terms, binds this government to guarantee to New Granada 'the perfect neutrality of the before-mentioned isthmus, with the view that the free transit from the one sea to the other may not be interrupted or embarrassed in any future time while this treaty exists.' In one respect it goes further than any of its successors, because it not only guarantees the neutrality of the route itself, but '*the rights of sovereignty and property' of New Granada over the entire province of Panama*. It is worthy of remark that when it was sent to the Senate it was accompanied by a message of President Polk, dated February 10, 1847, in which the attention of that body was especially called to these important stipulations of the thirty-fifth article, and in which it was stated, moreover, that our *chargé d'affaires* who negotiated the treaty 'acted in this particular upon his own responsibility and without instructions.' Under these circumstances, the treaty was approved by the Senate, and the transit policy to which I have referred was deliberately adopted."

President Hayes, in his message of December 6, 1880, recognized in express terms that under "the treaty obligations subsisting between the United States and Colombia we guarantee the neutrality of the transit and the sovereignity and property of Colombia in the Isthmus." Mr. Arthur, in his message of December 6, 1881, said: "This government has not been unmindful of the solemn obligations imposed upon it by its compact of 1846 with Colombia, as the independent and sovereign mistress of the territory crossed by the canal."

In not one of these utterances is there any hint that the guarantee was not absolute, that is, against aggression from any source whatever.

It is a curious circumstance that neither in the elaborate statement sent out by Mr. Hay on the 6th of November, attempting to justify the rash action of the government, nor in President Roosevelt's message, nor in the article in the *Independent*, by one "high in the government," nor in those in the *Outlook*, and other journals and magazines, setting forth and defending the government's position, are any of these Presidential utterances quoted. How could Mr. Hay, who must have known of them, declare that the President's action was "in line with the best precedents of our public policy?" The Secretary of State, as the President, lays emphasis on "the rights which *we* acquired by the treaty," but ignores entirely the obligations toward Colombian sovereignty taken upon us by the same treaty, and repeatedly recognized by Mr. Roosevelt's predecessors.

Mr. Bayard's declaration in 1886, cited by Mr. Hay, "that the United States could not but feel serious concern that a European power should resort to force against a sister republic of this hemisphere, as to *the sovereign and uninterrupted use of a part of whose territory we are guarantors under the solemn faith of a treaty*," shows that Mr. Bayard was in entire agreement with President Cleveland as to our guarantee of sovereignty to Colombia, and that it is impossible to cite him as favoring the action of President Roosevelt in assisting to destroy this sovereignty.

Mr. Hay's citations from Mr. Everett's and Mr. Seward's declarations have no relevancy whatever to the question of our obligation to guarantee the sovereignty over the isthmus to Colombia, but only to the matter of its neutrality.

Not less disingenuous seem to be the citations made by the President in his message. There is no hint in the quoted declaration of Secretary Cass in 1858 that the United States was *not* under obligations by the treaty to uphold the sovereignty of Colombia. On the contrary, he said explicitly, in the words which Mr. Roosevelt quotes, that "*the rights of sovereignty of the states occupying this region should always be respected*." What Mr. Cass was defending was our right to maintain free transit across the territory.

Mr. Seward does say in 1865, as quoted by Mr. Roosevelt, that "the purpose of the stipulation (of the treaty) was to guarantee the isthmus against seizure or invasion by a foreign power only," and not against a body of insurgents. But that is very far from saying that our government was not estopped by the treaty from aiding a body of insurgents to get possession of the isthmus. Mr. Seward had expressly said, in the same declaration, that "the United States *have taken and will take no interest in any question of internal revolution* in the state of Panama, or any state of the United States of Colombia, but will maintain a *perfect neutrality* in connection with such domestic altercations." Attorney-General Speed's advice to Mr. Seward in 1865, quoted by Mr. Roosevelt, is of the same import, that the United States, while guaranteeing Colombian sovereignty against foreign powers only, did not by the treaty "become a party to the intestine troubles of that government," nor "become bound to take sides in the domestic broils of New Granada." If the President had even followed the to him precious doctrine of these exceptional declarations of the State Department in 1865, which are widely out of harmony with the Presidential pronouncements on the subject and the declarations of the State Department, which we have quoted, he would have held strictly aloof and "taken no interest" in the Panama revolt, and have let it take its own course. He certainly took a very decided "interest" in it, if he did not actually promote it, as the facts and dates brought out in Mr. Hoar's speech in the Senate strongly indicate.

It seems clear, then, that the government has violated the treaty of 1846, as interpreted by its own words, as understood by Colombia, and as expounded by *all* of Mr. Roosevelt's predecessors in the presidency who had any occasion to pass judgment upon it. And the violation seems all the more discreditable in view of the attempt made by the government to justify it by a vague appeal to former Administrations whose policy, when looked up, is found to be diametrically opposite to that of the present Administration, which has led to the dismemberment of a friendly state.

Even if it should be granted that Panama still had the right of revolution under the treaty, under the constitution of Colombia, and under the general public law of the nations, for which a plausible argument may be made, notwithstanding the express terms of the treaty, there would still remain the flagrant violation of both the treaty and of international law through the aiding and abetting by force of the revolt of Panama from Colom-

bian authority. To foster a revolt is as grave an offense as one nation can commit against another. The circumstances on the isthmus afforded no such emergency, involved no such tyrannical and outrageous violation of the rights and liberties of the people, as justifies under public law forcible intervention by an outside government. To assert that the failure of the Colombian Congress to ratify the Hay-Herran treaty created such an emergency is to go to about the extreme limit of groundless assumption. Even the Panama representatives in the Congress, who would certainly have been aware of any serious oppression if it had existed, every one of them voted in favor of the rejection of the treaty, on the same general grounds that influenced the other representatives, namely, that the Constitution did not permit such a treaty as virtually alienated territory.

It seems equally clear that the well established principles of international law were violated in the hasty (the President calls it "speedy") recognition of the Panama revolutionary government. It is hard to conceive anything more absurd than to call the handful of men who in the city of Panama, without the participation of the outlying provinces of the Isthmus, had declared themselves the "Panama Republic," an established government in the sense understood in public law, when as yet no election had taken place, no national legislature existed, no judiciary, no cabinet except a self-appointed one.

The ground on which the independence of a new state may be recognized is well set forth by President Grant in his message of December, 1875, in reference to the civil war then going on in Cuba:

"To establish the condition of things essential to the recognition of this fact there must be a people occupying a known territory, united under some known and defined form of government, acknowledged by those subject thereto, in which the functions of government are administered by usual methods, competent to mete out justice to citizens and strangers, to afford remedies for public and for private wrongs, and able to assume the correlative international obligations, and capable of performing the corresponding international duties resulting from its acquisition of the rights of sovereignty. A power should exist complete in its organization, ready to take and able to maintain its place among the nations of the earth."

Not one of these conditions existed in the case of Panama at the time when President Roosevelt recognized it, and not one of them exists to-day except in potentiality under the protection of the United States.

The principle of public law which governs the recognition, even as a belligerent, of a new government thus set forth by President Grant, was stated with equal clearness by Senator Sumner in an elaborate speech on the recognition by England of the belligerent rights of the Southern Confederacy:

"The conclusion then is clear: To justify recognition, it must appear beyond doubt that *de facto* the contest is finished, and that *de facto* the new government is established secure within fixed limits. These are conditions precedent, not to be avoided without open offense to a friendly power and open violation of that international law which is the guardian of the world's peace. Armed recognition is simply recognition by coercion. It is a belligerent act, constituting war, and can be vindicated only as war. . . . But an attempt under guise of recognition to coerce the dismemberment or partition of a country is in its nature offensive beyond ordinary war."

In justifying his refusal to recognize the independence of the Cuban revolutionary government, President McKinley, in his message of April 11, 1898, used language agreeing completely in substance with that of Sumner and Grant:

"They are evidences that the United States, in addition to the test imposed by public law as the condition of the recognition of independence by a neutral state (to wit: that the revolted state shall 'constitute in fact a body politic, having a government in substance as well as in name, possessed of the elements of stability,' and forming *de facto* if left to itself a state among the nations reasonably capable of discharging the duties of a state) has imposed for its own governance in dealing with cases like these the further condition that recognition of independent statehood is not due to a revolted dependency until the danger of its being subjugated by the parent state has entirely passed away."

With these statements all the authorities on international law and the historic precedents of modern civilized nations agree.

The instances of the prompt recognition by our government of the new republican form of government of France and Brazil, which have been cited as precedents in support of President Roosevelt's hasty recognition of Panama before the Colombian government had had opportunity to attempt to suppress the revolt, have no relevancy whatever to the case. In the former cases the countries had simply changed their form of government, and the contest with the former authorities was over. They were not cases of revolt of a portion of the people and of an attempt to set up a new and independent state.

The administration, feeling no doubt the sore weakness of its defense from the foregoing points of view, has further attempted to justify its course on the ground of absolute public necessity, of the obligations imposed upon the nation by the commercial interests of the world, and the general demands of civilization. This plea has been enforced by the asserted greediness and contemptuousness of the Colombian government in its rejection of the Hay-Herran treaty, and its hold-up of the canal enterprise.

This is the part of the government's contention that has taken the people. It has caused the whole question of our solemn treaty obligations to Colombia and our no less sacred obligations to the public law and conscience of the world to be overlooked. Civilization, a word with which a good deal of conjuring is done in these days, required the canal, required it immediately, and required that this country should construct it. Colombia was in the way, and there was not "the scantiest hope" of ever getting her out of the way by any devices of honorable pacific diplomacy. There was nothing to do, therefore, but to bundle her out of the way without ceremony, while international law and treaty obligations were assumed to stand by mute, consenting to the rude and unwonted performance.

This line of defense, which is virtually a confession of collusion with the Panama revolutionists in throwing off

Colombian authority, while apparently the strongets offered by the government, is in reality the weakest and unworthiest. If the straits had been as desperate as this contention supposes, if the interests of civilization in the canal had been effectively and hopelessly blocked by the action of Colombia so that United States diplomacy was paralyzed and could do nothing more, then there would have been some excuse for the government's *coup de main*.

But this theory of a hold-up, of a blocked and helpless diplomacy, of a great and mighty power like the United States being hopelessly baffled in its negotiations by such a government as that at Bogota, so that "*not the scantiest hope remained of ever getting a satisfactory treaty from them*," as the President avers, is as incomprehensible a begging of the question as statecraft has ever furnished. In fact, it is so ridiculously absurd as to need no refutation. The Colombian government was already talking of a new treaty, and there was nothing about this talk to justify our government's sneers in reference to it. In a little while, with patience, fairness, and firmness, we could have had from Colombia a treaty granting us every right and privilege on the Isthmus that we could reasonably have demanded. It will always be to our shame and dishonor that we abandoned, in a fit of impatience, this dignified Christian method and took to that of the bludgeon. Nor are we likely to get the canal a moment earlier than if we had proceeded in the saner way; and even if we do, the gain in time will be vastly outweighed by the moral losses to civilization from our fast and loose playing with our solemn treaty obligations and our disregard of one of the most elemental principles of public law, by which we had always before faithfully stood.

There is one point further which requires a word of elucidation. It is difficult to find in the action of the Colombian Congress in rejecting the Hay-Herran treaty any real evidence of the contemptuousness and offensiveness toward us of which the President so strenuously complains. The Isthmian Canal treaty prepared with so much pains by Secretary Seward in the late sixties was rejected by the United States Senate (on grounds never disclosed to the public), greatly to the disappointment of Colombia. Was that offensiveness and contemptuousness? Did that not leave "the scantiest hope" of ever getting a satisfactory treaty through? The Colombian Congress, a part of the treaty making power, rejected the Hay-Herran treaty on perfectly legitimate grounds, namely, that its terms were in violation of the Constitution. This regard for the Constitution, even if it was exceptional, our President ought to have been the first to commend, instead of complaining that the Colombian President did not carry the treaty over the heads of the Congress even if it did violate the Constitution.

The Colombian Representatives feared, as they were perfectly justified in fearing, — and this was the real ground of the rejection of the treaty, — that if a great power like ours ever got a foothold on the Isthmus that would be the end of Colombian sovereignty there. Our leading public men of a generation and more ago, after the treaty of 1846 was in force, felt the same way about it. They strongly discouraged the idea of Colombia allowing the Isthmus to pass under the control of any great foreign power, even the United States. In his "Instructions" to the United States Minister at Bogota in 1869, Secretary Seward wrote:

"I am unable to conceive of any proceeding that would be more perilous to the United States of Colombia than that one should allow a stronger government like that of the United States to become directly the proprietor or conductor of a ship-canal with free ports at its termini on the two oceans."

In the same sense wrote President Taylor in December, 1849.

But it seems now, when our government has taken the whole matter into its own hands and determined to build the canal itself, that this fine sense of the rights of Colombia has disappeared, and that in its place is substituted that vague something called "the rights of civilization," before which all particular nations, if they be small, must with all their rights be made to bow.

As to the Colombian government wanting more money than the ten millions specified in the Hay-Herran treaty, it is difficult to see why that should be considered a particularly offensive manifestation of national greed, even if their hope to get twenty-five millions was selfish and extravagant. If we had been in their place, we should have insisted on getting every honorable cent out of a great enterprise which promised such large remuneration in the future. Even if Colombia was meanly greedy, she was only following the usual custom of nations in demanding much more than is reasonable in dealing with other nations. The powers which recently undertook to collect debts by force from Venezuela demanded in general about twice as much as was due them. In the case of the Alabama claims, we asked of Great Britain one hundred and fifty millions; an impartial tribunal declared that we were entitled to only one-tenth of that amount.

One cannot help reflecting in this connection that ten millions for the little State of Panama is much more than twenty-five millions would have been for Colombia. And it is now known, through the unvarnished disclosures of bribery and corruption made by the correspondents on the spot, that desire to get this money and the total annual rental of the Canal thereafter was one of the chief motives which led to the creation of the Panama junta and to the revolt and setting up of the pigmy state. But this base greed of the Panamanians did not lead President Roosevelt to lash them with his strenuous English nor prevent him from treating them as worthy of the help and trust of this government!

The Colombian government, it is to be conceded, is, if the accounts which come to us are half true, a very corrupt and inefficient one. But there has been nothing in her conduct in connection with the Canal negotiations, when examined critically, that gave our government any just ground for treating her with contempt and for helping to drive her off the Isthmus and to dismember her territory. The Canal across the Isthmus is greatly needed. All agree that it ought to be constructed as soon as possible. But civilization has developed successfully without it, and its construction might better have waited fifty years than for our government to have dishonored itself by ruthlessly trampling on the rights of a weaker nation, by violating its treaty obligations and setting at nought that slowly-developed international law which is the guardian and pledge of the peace of the world. Whatever may be the beneficent results arising from the building of the Canal under the present

circumstances, it will take many a year to repair the damage thus done to that very civilization in whose name our government has sought to justify its extraordinary conduct. The past will not, possibly cannot, be undone, but let us as a people look fully in the face the disastrous consequences sure to come in "the fullness of time" from every such unworthy exploit and letting down of the moral ideals of the nation, in the interest of commercial or political enterprises, and let us make it impossible for any Administration of this great people ever to do such a thing in our name again.

PAX PACE.

The Urgent Need of a Truce and Reduction of Armaments.

Abstract of a recent speech in the French Chamber of Deputies by Mr. Gustave A. Hubbard, when the Budget for the Department of Foreign Affairs was under consideration. Mr. Hubbard at the end of the speech presented a resolution asking the French Government to take the initiative in bringing about an agreement for a reduction of the present burdensome armaments and war budgets.

When the delegate from Sweden and Norway at the Hague Conference, Baron de Bille, learned that the Russian proposition relative to the limitation of armaments had been set aside, he cried, "That is not enough!" It is to repeat that cry of the delegate of Sweden and Norway, and of all consciences which approve it, that I rise to make a few observations. It is not enough that we should be satisfied with the improvements in the external situation of the French Republic, to which the previous speaker, Mr. Deschanel, has referred, and that, conscious of our strength, we should bide our time.

Reference has been made to the great design of Russia, the great design of Germany; but should not France also have her great design? Are we agreed as to what that great design should be? That is the question which Mr. Deschanel has left somewhat obscure. As was said in the report on the Foreign Affairs Budget, discussions on foreign politics are not sufficiently frequent in this Chamber and in this country. The country has not formed the habit of looking calmly at all these problems. That is a habit which I think we ought to form. It is not sufficient, indeed, to deliver here historical and academical speeches. We have political responsibilities. We ought to be men of action, and not simply men of contemplation.

The manner in which the Chamber proceeds in the study of these questions is bad. It would be useful to have printed and distributed in the Chamber, if not daily as in England, at least once a week, a list of questions to be put to the Prime Minister with his answers to the questions asked the preceding week. If we would try this method, we might have every Thursday an understanding between the government and the representatives of the country. Then as soon as a question was brought up, whether that of Morocco or of Siam or any other, it could be examined immediately. We should thus form the habit of discussing these questions briefly and concisely. I shall submit a resolution to this end at the close of my remarks.

You have in mind, gentlemen, what Mr. Deschanel has just said further. He has treated of the system of great alliances, of the balance of power, which according to the supporters of the armed peace is the true process for the assuring of peace. As for me, I discover something in the betterment of our foreign relations of a different nature from the effect of great alliances. I see in it the definite, united, more and more continuous coöperation not only of the European powers but of all the powers. Our conception of what the general progress of humanity ought to be is very different from that of those who rely upon the system of great alliances. I believe that the words peace and civilization recently uttered in England, as they had been in Paris, by the King of Italy, are becoming the motto of sovereigns as they have always been the motto of peoples, and as they are especially the motto of our French democracy. But we must not leave this in the region of words, of speeches. We must come down to the earth, to facts. The fools, gentlemen, are not those who dream of this transformation through the coöperation of peoples. The fools are those who have organized, maintained and daily increase the crushing burden of the armed peace. The fools are those who keep up bloated armaments on land and sea.

I see that Mr. Deschanel defines the Russian Alliance as the cornerstone of French politics. But he does not indicate what profit France is to receive from this alliance unless it be the "great design," of whose nature he gives us no information. Though the Minister of Foreign Affairs is not charged with the duty of looking after the material interests of the nation, it is pertinent to ask of him if it is not strange after so many years of the alliance to hear demands like those of a large number of our colleagues representing the wine-producing regions of France; it is pertinent to call the attention of the government to the excessive duties laid upon the wines and principal agricultural products of France on their entry into the Muscovite empire. Does not the matter of industrial and literary property also require immediate attention?

But I let pass these material interests. I take up the chief interests, the most pressing questions, and I ask in turn if we ought not to have a very different conception of the benefits which this alliance, the cornerstone of our politics, may bring to France? It is easy, it seems to me, if we keep in mind the Hague Conference, to discover what ought to be the nature of the great design reliable, practicable, advantageous, and useful to France. It consists in what Mr. Deschanel seems unwilling to support; first, an arrest of the excessive burden of armaments, preparatory to their reduction. This reduction is precisely what this alliance invites us to make. It is interesting to notice that it is the men who have borne the burden of office, responsible and conservative men, who, when out of power and free to speak, are the first to set forth the folly of the militarism in which the European powers live.

In 1880 Baron Herbst, former Minister of State in Austria, in a great debate on the Address to the Crown, said calmly and without circumlocution that it was his duty to predict for the military states of Europe general bankruptcy if they continued to follow the policy to which they were devoted and in which there seemed no means of stopping. In the same year Von Moltke, the defender of war, as you know, said: "Who can deny that all Europe is groaning under the weight of an armed peace? Mutual defiance keeps the nations facing each

other under arms." He thought that this distrust could be more easily removed by an agreement of government with government than by any other sort of means, as, for example, international fraternity, international parliaments, etc., on which he cast contempt.

People talk about Utopists, fools, dreamers, people without equilibrium, and here are ministers of a monarchy and generalissimos who announce outright to Europe that it is on the way to bankruptcy, that the present situation is intolerable. But since 1880 has any arrest of the growth of armaments been found? On the contrary, it seems to have been accelerated. We have reached 1903, and in Mr. Théry's book, "Armed Peace," I find two tables of figures with which all the tax payers of Europe ought to be acquainted. For the army alone, in 1891, the six great European powers expended annually 2,873,000,000 francs. Now after twelve years the sum has grown to 3,953,000,000 francs, that is, an increase of 50 per cent. For the army and navy together the amount spent in 1891 was 3,795,000,000 francs. This year it is 5,884,000,000. To these sums must be added the extraordinary expenses connected with the army and navy, for strategic railways, etc. The increase during this period has been for Russia 65 per cent, for Germany 55 per cent, for England 117 per cent, for France only 43 per cent. France, because she has completed her equipment, is perhaps better ready than the others for an arrest of these expenses. But should this satisfy us? When one reads the pessimistic discourses about the finances of the Republic, one is inclined to ask whether this arrest will not be forced upon us.

It is true that publicists like Mr. Théry and Mr. Etienne present figures to show that France has never been more prosperous than under these crushing military burdens. The money, they think, being spent on internal equipments, only passes from the pocket of one citizen into that of another. If this were true, it would seem that we might increase indefinitely our army and navy budgets with advantage. Mr. Bourgeois has answered this sophism by saying that it would be well to ask if in place of all these unproductive expenses it would not be profitable to employ these resources on the public works which cannot now be realized and before which you are brought to a halt every instant. Would it not be better to employ them for the amelioration of the conditions of the existence of the citizens? I believe that the first circular of Count Mouravieff uttered the truth when it said that the reduction of armaments was "the ideal to which the efforts of all governments ought to be directed." Let us declare that we wish this reduction, and let us enter upon the way which leads to it. Then we shall have a right to say that our alliances are profitable, that these visits, these cordial relations, these *ententes* will come to something tangible in the interests of the populations.

It is well that we should take account of what was done by the Hague Conference from which so much was expected. What took place in that Conference as regards the limitation of military expenses? Nothing was done to solve these difficulties. The Russian propositions were examined and the technical committee reported unfavorably on them, because the time was not yet ripe, and because of the impossibility of fixing a basis for the determination of the number of the forces and the distribution of authority among the powers.

When the subject came before the larger committee, the delegate from the French Republic succeeded in getting adopted a resolution which indicates the way which we must take in the matter. The Conference finally expressed the wish "that the governments, taking note of the propositions made in the Conference, propose the examination of the possibility of an agreement concerning the limitation of the armed forces on land and sea and of the military budgets." I ask of the Minister of Foreign Affairs kindly to tell us what efforts he has put forth with other governments to carry out this wish of the Hague Conference. And I further ask of the Chamber to declare in a resolution that it invites the government to present the next budget without any increase, and that it enter into negotiations with foreign governments on the subject of the limitation of army and navy expenses. I ask of the French Chamber of Deputies to follow the program proposed by the Emperor of Russia, which he certainly has not abandoned.

It is not proposed that we should take a leap in the dark and proceed by ourselves alone to decree disarmament. But we should say that we have reached the limit of normal expenses; that the condition of our people and of our finances, though better, perhaps, than that of the surrounding powers, compels us to notify the public that it is absolutely necessary that we should go no further in this march toward the abyss of ruin.

Allusion has been made to the opposition at the Hague Conference of the German delegate, Mr. Schwarzhoff. His opposition sprung from the fact that in Germany the war budget is voted for seven years in advance. Such an obstacle, however, to the study of the administration of the military affairs of the powers signatory of the Hague Conference is serious though not insurmountable. Why not by vote bring this matter to the attention of the entire world? Perhaps public opinion can be brought to surmount this obstacle. It is not rash to hope so. We must show that it is not the obstinate refusal of France to coöperate in a work of general benefit that places us in this situation.

It seems to me that Mr. Deschanel has omitted one of the chief factors in the question. He mentioned the chancellors, ministers, diplomats, but he did not mention the working men and the democrats of the world. It is the producers, those engaged in the industries, in commerce, in the pacific callings of the world, who are asking if these great purposes must always be put off "to the Greek Calends." If we must wait to enter upon this course until all the political questions of the East and the extreme East, and other continental questions, are settled, it is evident that the armed peace will last forever.

Assuredly it is what these eminent statesmen call folly which is bringing to bankruptcy and ruin the countries which are burdened with these enormous expenses. It is said that there are neutral states in Europe and the immense continent of America which escape these enormous burdens. But they do not escape them completely. States are now interdependent from the economic point of view. Even the neutral suffer from these burdens, and in the long run a very severe damage may be done to their prosperity. Some armament is without doubt necessary, but it is not necessary that it

be heavy enough to crush the very body which it is charged with defending and cause it to contract deadly disease.

In view of the numberless bonds which unite different peoples to-day, religious, intellectual, as well as industrial and commercial, in view of the great interest taken by the workingmen and the masses of the common people in a closer union of the populations of different countries, do not be astonished that we are inviting you to go forward vigorously toward general pacification, toward the limitation of armaments, toward more and more general coöperation for the well-being of humanity. This is a great design, the carrying out of which is surely not the work of a single day, but it is nevertheless realizable. Jules Simon, Laboulaye and all the great men who have reflected on these things have advised the peoples of the world to proceed in this manner. Even in Germany, where religious influences have been used in support of a policy of military oppression, you find evidences of the same interest in justice which is so moving our French people. The men of science and of humanity in Germany, if not the religious men, admit the existence in the military system of a great obstacle to the establishment of a state of things in Europe truly human and pacific. It was a Professor of Philosophy, Dr. Molinaert, who organized the Franco-German League of Munich. In Sweden and Norway and other neutral countries the groups of scientific men, the positivists, the materialists, the freethinkers, are treating these questions with deliberation and calmness, and insisting that they everywhere receive conscientious consideration. We Frenchmen see coming to our aid from all these parts of the world these men who are demanding simply the emancipation of peoples in accordance with the principles of justice and right.

In England Mr. Frederic Harrison, a leader of the positivists and freethinkers, has opposed the detestable military enterprises directed against the independence of small peoples. He pleads for the solidarity of the civilized nations. He declares that the worst scourge of our epoch, the source of wars and all these horrible preparations for war, is a perverted nationalism, an unbridled imperialism, the desire of domination over other peoples, the ambition to create a gigantic empire which can exist only by permanent oppression.

Twenty years ago when our friends Frédéric Passy and Gaillard developed here in this Chamber the idea of arbitration, if they had been told that there would one day be a permanent treaty of arbitration between France and England, they would indeed have been astonished. I remember the first meetings of the Interparliamentary Conference in quarters which had nothing official about them. I remember how the Conference was neglected by all and even generally derided. To-day it is everywhere received in the first Chambers, in the Senates of the nations. It is fêted and treated as princes and sovereigns are treated. That indicates a very great advance.

In the Yellow Book which has been published on the subject of the Anglo-French Arbitration Treaty, the Minister of Foreign Affairs disclaims the credit of having brought about this treaty. He declares that it was brought about by a general movement of public opinion in the two countries. You were right, Mr. Minister, in following public opinion. I think you might follow it a little more closely; that you might even sometimes go in advance of it. I think that you have not sufficient confidence, notwithstanding your Arbitration Treaty, in the juridic organization of the nations which is proposed, in the very practical blessings and benefits which such an organization would immediately bring about in the development and prosperity of our own country. You are evidently too timid when you treat of questions of arbitration. You have limited your treaty to five years. You seem to think that at the end of five years it will not have been put into operation, that it will have been forgotten, and that there will be no occasion to renew it. You seem to take real pleasure in indicating that what is proposed is a small matter of very short duration, the work of an instant.

I understand very well that you have made the treaty limited for the sake of satisfying the public, as you have declared that you will never submit questions of honor or of vital interest. It hardly needed to be said that in questions of arbitration the national independence is always reserved. When you submit to an arbitration you have resolved in advance to abide by the judgment. Of course, there can be no agreement to submit a question the award on which the people could not accept. It is the same tendency which has caused you to decline to establish a general procedure, which has caused you to limit the treaty to five years, the fear, that is, of seeing organized a regular normal state of affairs.

There is, further, something stronger than words and texts, namely facts. How will you account for the fact that, since the institution of the Hague Court, France has not taken occasion to bring before it even one of those juridic controversies of a secondary character which have so long been pending? America had to set us an example and put the Hague Court into operation. By a vigorous resolution the President of the United States on the occasion of the Venezuela trouble refused to be arbitrator, and declared that it was before the Hague Court that the first great international trial in which the deeds of war were to be examined should be discussed. At all events, the deeds of war have been brought to the bar of this tribunal and examined in the light of the principles laid down by the Hague Conference. I should like, Mr. Minister, for your administration to support the jurisdiction of the Hague Court with all your influence. I should like to see France in the first rank among the nations who wish to see such institutions developed.

In your budget there is an item, "Expenses for the Hague Court," but you put down no figures. You simply recall the subject. I understand. You are in an attitude of waiting. You are waiting to have transmitted to you the demand which will let you know what is your quota. You are evidently showing systematic coolness and abstention in the presence of this institution.

Mr. Delcassé: Will you allow me a word?

Mr. Hubbard: Gladly.

Mr. Delcassé: I received recently from the Administrative Council of the Hague Court a statement of the part of the expenses of administration of the Permanent Court which falls to France. Immediately I put the sum into the statement of supplementary credits which

is submitted to the Chamber. The amount is 15,673 francs.

Mr. Hubbard: I am happy to see that we are coming to an agreement. I for one do not complain of the increase in the amount since last year, and I certainly think you will not complain. As to putting the item into the budget, it seems that with the aid of the amount of the previous year you might have put it in in advance.

In place of showing this sort of coldness toward this institution, I shall ask you to go further and to consider that this matter is not one simply of material expense, but that it has a moral significance. I shall ask you to imitate the conduct of Sweden, of Norway, of Switzerland, and of Denmark, which for several years have put into their budgets a very modest subvention of a thousand francs for the Permanent Peace Bureau at Berne, a universal institution in which participate all the peace associations, the jurists, the international law institutes, etc., which throughout the world are laboring in the direction which I am indicating.

Finally, Mr. Minister of Foreign Affairs, since you seem to be entering upon the pathway of concession and coöperation, I hope you will recognize with us that the French Republic ought to occupy itself with the constitution of a regular system of international law, which will be the object of the decisions of the Hague Court. I hope that you will be able, either alone or in concert with the Minister of Justice, to appoint a preparatory commission analogous to that proposed by Mr. Asser and other jurisconsults, in order that gradually there may be created a body of rules and regulations no longer purely conventional and between a few of the states, but established by the entire body of states which constitute the juridic society of the civilized nations, which it is desirable to have take the place of the ancient alliances, which by force and violence disputed with one another for the empire of the globe.

It is of importance, as well, that this should be done in the interests of our citizens abroad, who are often not properly cared for. An organized system of international justice, such as I have spoken of, would make it easy to bring immediate aid to those abroad who have reason to complain of injustice.

Our democracy, which desires to have established a regular juridic organization between the nations, knows very well that from the historic point of view it is from special events that law arises; but it is to be hoped that hereafter law will, on the other hand, direct events.

This hope the French Republic ought to encourage in an effective way by its decisions and its votes. The Chamber should invite the Government not to increase further the military and naval expenses, and to enter upon negotiations with a view to a limitation of these expenses. France ought not to wait always for another country to take the initiative in calling international conferences. I ask the government of the French Republic to aid this great movement which is spreading throughout the entire world, and not to put any obstacles in its way, but to give it its complete and cordial support.

Reciprocity with Canada.

From an Address of Hon. Samuel W. McCall.

At the annual dinner of the Merchant's Association of Boston on December 10th the subject of reciprocity with Canada was discussed. The speakers were Senator John W. Daniel of Virginia, Senator Quarles of Wisconsin, Governor Cummins of Iowa (whose speech, in his absence, was read by Hon. C. S. Hamlin), Mr. C. S. Mellen, President of the New York, New Haven and Hartford Railroad, and Hon. Samuel W. McCall, member of Congress from Massachusetts. Mr. McCall's speech was in that lofty spirit which characterizes all his utterances, and was in substance as follows:

"At a meeting of the merchants of Boston I know of no more fitting subject to talk upon than our trade relations with the great country to the northward, which is our nearest neighbor. Canada, according to her population, is by far the best customer this nation has in the world. She buys of us about $125,000,000 worth of goods each year, which is more than twice as much in the aggregate as we sell to the whole of Central and South America, with Mexico and the Philippine Islands thrown in. Her relations with us are so intimate and so peculiar that a reciprocal trade arrangement would not be subject to any of those objections, some of them sound and some fantastic, which are commonly urged against reciprocity agreements.

"Important lines of railroads and navigable rivers run from the interior of one country into or alongside the other, while the chain of great lakes lying between the two countries invite to commerce and make difficult of enforcement any of the ordinary restraints upon international trade.

"She has similar institutions and similar peoples. Her climate, which has a most important bearing upon industry, supplements our own.

"Products vary in character more upon lines of longitude than of latitude, and industries of a northern and a southern people are less likely to conflict with each other than those of nations which lie side by side upon the same parallels of latitude. The sun and birds do not more naturally migrate to the one country in the summer and return again to the other in the winter than do the natural currents of trade run across the border which separates Canada from the United States.

"If we are to be kept apart it must be purely by the decrees of the statesmen and in defiance of all the laws of nature. If there can ever be a case where the special interests and desires of two neighboring peoples should be considered in adjusting the trade relations, that case exists here.

"Our trade with Canada has been of modern growth, and the story of it is quickly told. Before 1847 her preferential tariffs in favor of Great Britain confined almost all of her foreign commerce to that country. So late as 1850 the total trade going both ways between Canada and the United States was less than $5,000,000 a year.

"In 1854 we entered into a trade policy with reference to Canada by which free exchange was confined largely to natural products.

"By the action of the United States this treaty was abrogated in 1866. The tendency of trade between the

two countries since then is very striking. Although Canada's foreign commerce has increased marvelously, so that to-day it is more than twice as great per capita as that of the United States, yet, leaving out gold and silver, her exports to the United States in the last fiscal years were only $43,000,000, or even less than she exported during the last year of the treaty thirty-six years ago.

"On the other hand, she imported from the United States more than $120,000,000 worth, or more than four times as much as she took from us during the last year of the treaty.

"It will be seen that this growth was absolutely one-sided. How was it accomplished? The force of tariffs in diverting trade, especially if you make them high enough, is strongly illustrated here.

"Canada admitted more than one-half of all she took from us, or about $60,000,000 worth, free of duty, and her average duty upon all of the importations from this country was only about 12½ per cent.

"Her duty upon those articles upon which a duty was charged was about 25 per cent., and the average duty upon the great lines of dutiable imports from Canada was 50 per cent. These relative customs duties have been especially adapted to admitting our products into Canada and to excluding Canada's products from our markets.

"On the other hand, the products of Canada have had free entrance into Great Britain, with the result that while she sold to Great Britain in 1866 only $16,000,000 worth of goods, in 1902 she sold that country $117,000,000 worth of goods, while she bought from Great Britain hardly $50,000,000, or only one-quarter more than in 1866. Unless we proceed upon the theory that we are to buy everything and sell nothing, we must expect Canada to cultivate more intimate trade relations with the great nation which buys so largely of her product and of which she is practically a part.

"A crisis has been reached in the commercial relations of Canada, and as one of the greatest men she ever had, and one who is a friend of the United States, recently wrote to me, it is for the United States to decide whether the face of Canada shall be turned to her own continent or to Europe. Indeed, it is not clear that the crisis is not already passed. From the time of the abrogation of the treaty of 1854 until a half-dozen years ago Canada stood in our ante-room as a suppliant and was treated with scant courtesy, and by the time the present commission was appointed she had so far adapted herself to existing trade conditions, her desire for reciprocity had so far abated, that she was willing to make it secondary to the question of the Alaskan boundary. That difference is now out of the way, and we should at least make a resolute attempt to settle the reciprocity question also by reconvening the joint high commission upon which New England has so admirable a representative as Mr. T. Jefferson Coolidge.

"Undoubtedly greater preferences to Great Britain will divert more of Canada's trade into British channels. The process will be unnatural, but high tariffs will go far toward accomplishing it. Canada has vast stores of material for which there will soon be a pressing need in the United States. We already need her lumber. She has in Cape Breton great areas of coal with deposits in some cases seventy feet in thickness — areas which, if developed, would supply the demands of the nearby regions of Canada and of the United States for centuries to come. This coal lies almost in Boston Harbor. It is not equal to our own coal, but it would be more economical in many instances than to pay the high freight rates necessary from our domestic coal fields. The coal question between the two countries is largely one of freight. In the central part of the country we send vast quantities of our own coal into Canada and on the Atlantic coast we would save greatly in freight rates to import more coal from Canada. The removal of the duty in each country against the coal of the other would result in increased exportation of American coal to central Canada and of Canadian coal to New England and the Pacific States. It is true that the temporary removal of the coal duty last winter did not increase the imports from Canada, but nothing else could have been expected in the condition then existing. Our coal strike had created a famine in Canada, and an increased price for coal there as well as in the United States. The surplus of Canada was demanded at home, and no one would imagine that new coal mines could be opened in a day or that the production of Canada could be substantially increased within the short period for which the duty was removed and for a mere temporary market.

"It is urged against reciprocity with Canada that such an arrangement would be unconstitutional. I do not propose to attempt any constitutional argument. There is no one who disbelieves more profoundly than I do in the theory that under the guise of making treaties taxes may be levied upon the American people. The taxing power of the United States is lodged in Congress, and not in the President and Senate, providing they can secure the coöperation of some foreign potentate. The representatives of the people have a special power in taxation which cannot be ignored, if we are to continue in business as a representative government.

"But it by no means follows from that that a reciprocity arrangement, if properly entered into, is unconstitutional. There has not yet been found a constitutional lawyer sharp enough to make the point of unconstitutionality against the procedure in the case of Cuba. The duties established in the Cuban treaty had no vitality whatever without action by Congress. A bill was originated in the House of Representatives establishing the schedule of duties set forth in the treaty, and when that bill shall have passed the Senate and been approved by the President, it will be as regularly enacted as any tariff law that was ever passed and will have the force of law. Such a procedure as that can be adopted with reference to Canada or any other country.

"The assumption that Canadian reciprocity is almost entirely for the benefit of New England is an assumption purely, and there is no particle of ground in this case for the well worn rebuke that New England must be careful how she asks for concessions which would not be equally as advantageous to the rest of the country. I suppose it is a fact that Canadian reciprocity is more strongly desired by sections remote from New England. Some statistics recently put forth by a distinguished opponent of that policy showed a larger percentage of farmers asking for it from the Central and Pacific States than from New England, and it is a matter of history

that among the leaders in this movement have been statesmen from the Middle West, like Sherman, Butterworth and Hitt, and Governor Cummins of Iowa.

"But even if it were for the exclusive benefit of New England, it would be none the less proper that her representatives should voice her needs, expecting and asking that the representatives from the rest of the country should speak for their own sections, so that the great result might recognize the particular interests of the different states, so far as they were not inconsistent with the general welfare.

"I believe that Canadian reciprocity has some peculiar benefits for New England. We are in a remote corner of the country, and there is a danger that the important currents of trade may swing farther and farther from us. It is vitally important that we should keep open to our trade those vast areas to the north. With full Canadian reciprocity, New England would become commercially a central state instead of being in a corner.

"I do not know as it matters to this audience whether reciprocity is Republican or Democratic doctrine, but, speaking from my standpoint, I would say that it certainly is not un-Republican doctrine. It can be supported by the highest Republican authority. I have referred to the great speech of President McKinley at Buffalo, which is a trumpet blast in favor of reciprocity. I might also refer to another gentleman whose name is identified with the great tariff law which has been in successful operation for a much longer period than the law which bore the name of President McKinley. I refer to one of the best equipped American statesmen of modern times — Nelson Dingley. As a member of the joint high commission he was a strong advocate of a genuine reciprocity arrangement with Canada, a course which was in direct line with the policy of the tariff law which bears his name. The ancient slur that those who favor reciprocity are free traders in disguise would cast a reproach upon the orthodoxy of the greatest protectionist statesmen in the United States. I can hardly esteem those gentlemen the soundest friends of protection who serenely repose upon the safety valve and invite revolutionary revision by insisting upon the perpetual sacredness of a set of tariff schedules. But whether or not it is Republican doctrine, I believe that it is American doctrine, and that it is a doctrine whose application would be for the benefit of the United States, and especially of New England.

"This, in brief, is the case of Canadian reciprocity as a business and economic proposition. But there is much more in it than the deductions that are made from schedules, or than the small amount per capita to the people of each country that there would be in an increased trade. If political union ever comes, it will be an ill-omened union if it comes by force, or in any other way than through the mutual interests and desires of the two peoples. A single mistake in policy between two nations may have an effect almost irreparable.

"I believe it is due to the expedition sent into Canada during our revolution, sent not against Canada, but against Great Britain, that Canada did not long ago become a part of the United States. The troublesome Alaskan boundary question has just been settled. It is true it was settled in a way that left a trace of irritation. Canada did not get the territory. She is not without the glory, for, instead of choosing, as her 'impartial jurists of repute' called for by the treaty, three commissioners who would 'stand pat,' she selected as one of them no less a jurist than the Lord Chief Justice of England, and it was through him that the decision was reached. I believe the American case could safely have been intrusted to a commission with at least one of our members from the Supreme Court of the United States, whose reputation as a jurist had penetrated beyond the Canadian border and would have been a guarantee of judicial action, and Canada could then have been satisfied that she had a fair chance at one of our commissioners, as we surely had at one of hers. A suspicion of a cold deck is not apt to make a cheerful loser.

"But however that may be, the boundary dispute has been adjusted. Irritation at the result is not likely to last. Immigration is pouring into British Columbia from the United States just as it is pouring into our country from Canada. Add to the tremendous influences that are pulling the two countries together, the entangling web that is woven by reciprocal trade, and the inevitable day will be more quickly reached when the two countries shall be politically one. Those same peoples of that cold northern region may become vitally necessary to the United States. We are reaching out more and more toward the equator. Tropical archipelagoes and isthmuses are displacing the centre of gravity of our system and throwing it each year nearer the tropics. These tendencies, made more formidable by our race problems, are drawing us toward the limit of the belt of free representative government, and if they continue unchecked they may work a radical change in the character of our institutions.

"Reciprocity with Canada, therefore, is a policy of justice, of prosperity and of hope for our political future."

Pamphlets Received.

REPORT OF THE SPECIAL COMMITTEE OF THE NATIONAL COUNCIL OF WOMEN ON AN ANNUAL PEACE AND ARBITRATION DEMONSTRATION. Mrs. May Wright Sewall, Indianapolis, Indiana.

REPORT OF THE SIXTH INTERNATIONAL PRISON CONGRESS. By Hon. Samuel J. Barrows of New York, Commissioner for the United States.

LA POLITIQUE ET LES EVENEMENTS EN EXTREME-ORIENT. A study of the Relations of Europe to China. P. Edger, 80 rue des Martyrs, Paris, France.

LA JUSTICE INTERNATIONAL. No. 3. Revue Mensuelle des Travaux et Décisions de la Cour Permanente d'Arbitrage et des Questions de Droit International. Gustave Hubbard, Directeur, 3 rue Chaptal, Paris, France.

THE VENEZUELA ARBITRATION: Great Britain, Germany and Italy *vs.* Venezuela, the United States, Mexico, France, Spain, Belgium, the Netherlands, and Sweden and Norway. Opening Argument and Reply for the United States. By William L. Penfield, Solicitor of the State Department.

LE MOVEMENT PACIFIQUE ET LE RAPPROCHEMENT FRANCO-ANGLAIS. Extrait de *La Revue*, Paris, November, 1903. By P. d'Estournelles de Constant.

LA GUERRE DU TRANSVAAL ET LES PREDICTIONS DE JEAN DE BLOCH. By "Un Temoin." Berne, Switzerland, Imprimerie Buchler Co. Bureau International de la Paix. A brochure of 88 pages in which the author demonstrates clearly from the official reports of the Transvaal war that the predictions of Jean de Bloch as to war with present highly perfected arms were fully realized during this long campaign.

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ART. II. This Society, being founded on the principle that all war is contrary to the spirit of the gospel, shall have for its object to illustrate the inconsistency of war with Christianity, to show its baleful influence on all the great interests of mankind, and to devise means for insuring universal and permanent peace.

ART. III. Persons of every Christian denomination desirous of promoting peace on earth and goodwill towards men may become members of this Society.

ART. IV. Every annual subscriber of two dollars shall be a member of this Society.

ART. V. The payment of twenty dollars at one time shall constitute any person a Life-member.

ART. VI. The chairman of each corresponding committee, the officers and delegates of every auxiliary contributing to the funds of this Society, and every minister of the gospel who preaches once a year on the subject of peace, and takes up a collection in behalf of the cause, shall be entitled to the privileges of regular members.

ART. VII. All contributors shall be entitled within the year to one-half the amount of their contributions in the publications of the Society.

ART. VIII. The Officers of this Society shall be a President, Vice-Presidents, a Secretary, a Treasurer, an Auditor and a Board of Directors, consisting of not less than twenty members of the Society, including the President, Secretary and Treasurer, who shall be ex-officio members of the Board. All Officers shall hold their offices until their successors are appointed, and the Board of Directors shall have power to fill vacancies in any office of the Society. There shall be an Executive Committee of seven, consisting of the President, Secretary and five Directors to be chosen by the Board, which Committee shall, subject to the Board of Directors, have the entire control of the executive and financial affairs of the Society. Meetings of the Board of Directors or the Executive Committee may be called by the President, the Secretary, or two members of such body. The Society or the Board of Directors may invite persons of well-known legal ability to act as Honorary Counsel.

ART. IX. The Society shall hold an annual meeting at such time and place as the Board of Directors may appoint, to receive their own and the Treasurer's report, to choose officers, and transact such other business as may come before them.

ART. X. The object of this Society shall never be changed; but the Constitution may in other respects be altered, on recommendation of the Executive Committee, or of any ten members of the Society, by a vote of three-fourths of the members present at any regular meeting.

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